

SAY ORDINANCE IS DEFECTIVE

Changes Necessary Before
Board of Park Commission-
ers Can Properly Proceed.

MATTER OF ASSESSMENTS

QUESTION OF OFFICE ROOM PUZZLES MEMBERS.

That the ordinance passed by the council creating a board of park commissioners and defining its duties is defective in many particulars was the opinion expressed at a meeting of the new board held yesterday in the office of J. B. Moreton, city recorder.

It was pointed out that the board has very limited powers and cannot go ahead with the work of parking the paved districts until there is some provision allowing it to make assessments with the consent of the council for the work to be done. There are a number of other minor points which must be straggled out before the board can begin its campaign of beautifying the city, and H. J. Minniny, city attorney, has been asked to draft amendments to be submitted to the council at an early date.

Finding Office Room.

The board discussed the matter of securing office room in the City and County building, and Thomas Johnson, superintendent of waterworks, informed the body that if it could use part of his office, he was agreeable. The desire of the commission for a room may eventually lead to another removal of the juvenile court. Recently the court was placed in the former office of the city auditor, but the board needs this room and will probably secure it in time.

The board also desires to employ a clerk, as the work which it is contemplating will take the time of at least one man in the office all of the time, and the city recorder's force is not large enough to attend to the additional business. This matter will be presented to the council.

Plans for Parking.

N. Bylawer, the new superintendent of parks, was present at the meeting of the board. He stated that he has about completed plans for the parking of South Temple street from Main to Thirteenth East and that he is working on plans for Sixth East street from South Temple to Third South streets. These streets are included in what is known as "Parking District No. 1." This district includes all paved streets between Main and Thirteenth East and South Temple and Third South streets and also First South street, which is to be paved this year. The board has come to the conclusion that this district is too large and will subdivide it in order that the work may be planned to better advantage.

NO WARRANT FOR SMYTHE

Employment Agent Accused of Taking Money Unlawfully From Austrians Makes Explanation.

George A. Smythe, Jr., the employment agent charged with taking \$9 each from fifty Austrian laborers and sending them to Milner, Idaho, where they did not work, promised, made such a satisfactory explanation to County Attorney Hanson yesterday that a warrant for his arrest was not issued, as requested.

Smythe says that all the criticism is unfounded. He was ordered by G. W. Miller to send fifty men to work at \$1.75 and \$3 a day. He hired the Austrians and sent them to the place where they were to work. When they arrived at Milner they walked fourteen miles to Straw's ranch, but found no accommodations for them there, although they were coming to work. They returned to Salt Lake and made the claim that Smythe had defrauded them of their money.

The leaders arrived here Tuesday, but could not locate Smythe, who, fearing trouble, had fled his office on Commercial street for the day. With his attorney, A. J. Weber, he went yesterday to the county attorney and told his story, saying that he acted in good faith throughout the whole transaction.

EMBEZZLEMENT IS CHARGE

Frederick K. Brown Alleged to Have Collected Money for Which He Did Not Account.

Frederick K. Brown, a driver for the Metcalf Bottling works on Eighth South street, is charged with embezzling \$1,000 from that concern during the past year, in a complaint issued by the county attorney yesterday. For a long period Brown was one of the lesser employees of the plant, and when his time expired a year ago, and James Metcalf, sr., resumed control, he was given a position as a driver. He was assigned the district which includes Murray and Bingham Junction, and visited his customers with a wagonload of wet goods each day.

On returning he was supposed to account for his sales. He was discharged about a month ago, and since that time complaints have been received by the firm regarding him. From the statements made to the county attorney, it was his practice to collect for goods and tell his employer that they had been charged. When the bills were sent out the first of the year the customers, who claimed to have paid Brown, objected to paying twice and an investigation resulted.

INDIVIDUAL SAFES

This company has the greatest number of individual safes of any institution in the city, and under sole control of the renter, affords convenience, privacy and security. Access daily, excepting Sunday and holidays, from 8:30 a. m. to 6 p. m.

**SALT LAKE
SECURITY
AND
TRUST COMPANY**
34 Main St. Op. Z. C. M. I.

ANOTHER ECHO FROM DURAND

John Lithgo Asks District Court to Intervene in Execution of Judgment.

TEMPORARY WRIT ISSUED

QUESTION OF JURISDICTION IS AGAIN RAISED.

Although Charles F. Durand has not been presiding over the Murray court since Jan. 1, the appeals from his notorious decisions continue to annoy the judges of the district court, and it will probably be a year before matters are straightened out properly.

John Lithgo is the latest complainant. He resides at Fourteenth South and Twelfth East streets, in what is known as "District No. 3," and is in no wise within the jurisdiction of the Murray court. On Feb. 7, 1906, he was served with a summons to appear before Justice Durand in a suit instituted against him by E. C. Bagley for \$58. He did attend on the day required and objected in a statutory affidavit to the jurisdiction of the court.

According to the law, an affidavit of this character is sufficient for a change of venue without further proceedings. Justice Durand, however, refused to send the case to the justice in Lithgo's district, and on Oct. 24, entered a judgment for \$58 and for \$5.15 costs against the plaintiff in the present action. It is said that the judgment was entered without notice to Lithgo, and without the introduction of evidence.

As a result, an attempt is being made to levy on a "fine horse" belonging to him to satisfy the judgment, and Lithgo asks that a writ of prohibition be issued directed against the sheriff and Lewis Brown, Durand's successor in office, to prevent such action being taken until the district court passes on the matter. A temporary writ was issued by the court yesterday.

LOWER COURT REVERSED.

Supreme Court Renders Decision in Ivers Case.

In a decision handed down by the supreme court yesterday, the order of Judge Booth of the Fourth district vacating a judgment issued out of the Murray justice court is annulled and reversed, but the location of any assumption that Justice Durand obeyed the law himself.

It appears that on Sept. 15, 1906, Durand entered a judgment in favor of one Lund against Mrs. E. Ivers, for \$200, on the basis of a judgment docketed in the district court of Utah county according to the form prescribed by law. Mrs. Ivers then began proceedings before Judge Booth to have the judgment thus docketed declared vacated, claiming that the justice court at Murray never had jurisdiction over her person. Lund was not represented at the hearing, and Judge Booth, upon the introduction of the abstract as evidence, ordered the judgment vacated as prayed for. Lund then asked the supreme court to review these proceedings, and, as a result, Judge Booth's action is set aside.

The supreme court says that as only the abstract was presented before Judge Booth, and as it was upon this that Mrs. Ivers relied, he did not have a right to go behind the record so presented to ascertain if it were legally executed. On the face, the abstract was in the form required by law, and beyond that the district court could not venture on a mere motion to vacate the judgment entered by the Murray justice.

The supreme court hints that other proceedings can be instituted which would open up the question as to whether the Murray court had jurisdiction over Mrs. Ivers. The opinion was written by Justice Straup, and concurred in by Justice Frick and Chief Justice McCarty.

AMUSEMENTS.

The advance sale of seats for the Press club show begins at the Salt Lake theater tomorrow morning at 10 o'clock. The prices agreed upon are \$2 for box, stall and loge seats, \$1.50 throughout the balance of the first floor, \$1 for the first two rows of the first circle, and 75 cents for the remainder of the first circle and 25 cents for the gallery seats.

To preserve some semblance of order and prevent undue crowding, Chief of Police Pitt will detail policemen to duty at the theater and throughout the line of purchasers. It is announced that the left wing of the line will rest on State street, extending from the corner of the Bingham street and east on Bingham street to the military reservation, where the state troops will be in charge. Entrance purchasers are advised to be on hand early or they may get so far back in the line that they won't reach the box office before a week from Saturday.

MAX BROWN FILES ANSWER

Disputes Dr. Whitney's Claim for Attending His Father.

Max Brown, in an answer filed in the district court yesterday to the suit instituted by Dr. E. W. Whitney against the estate of the late Senator Arthur Brown for \$300 for medical services, denies that Dr. Whitney ever rendered the services which he alleges he performed. Dr. Whitney in his complaint states that between August, 1902, and May, 1905, he attended Senator Brown at odd intervals upon his request and that the senator agreed to pay him \$75 for his work. Part of the payments amounting to \$200 were made by the senator, but there is \$325 still due, including interest. The suit was brought against Max Brown as administrator of his father's estate.

The answer further alleges that the senator never made any payments, as claimed by the doctor.

BEATEN AT A DANCE.

Jonas Halvorsen of Richmond Taken to L. D. S. Hospital.

Jonah Halvorsen of Richmond is at the Latter-day Saints' hospital, suffering from serious injuries received in a quarrel with Glenn Lewis at Richmond early in the morning of Jan. 21. The quarrel occurred at a dance at the home of Ole Christensen. Halvorsen's nose is broken and his face was badly cut and bruised by the assault, which is believed to have affected his mind. Lewis was arrested on an assault and battery charge and released on bail.

Salt Lake Photo Supply Co., Kodaks, Finishing, Framing, 142 South Main.

SWINE PLAGUE IS PREVALENT

State Board of Health Asked to Assist in Eradicating the Disease.

WEBER COUNTY HIT HARD

ONE RANCHER LOSES 58 HEAD—MANY HERDS AFFECTED.

The state board of health has been asked to assist in eradicating a contagious disease which is alarmingly prevalent among the swine herds of the North Ogden, Pleasant View and other districts. The disease has been investigated by the state board and strict quarantine measures have been taken. The disease is highly contagious and fatal.

Two letters received by the state board show the extent to which the disease has become prevalent. One is from E. F. Hayslock, a member of the county board, and its secretary, who writes under date of Jan. 28. Mr. Hayslock says: "The contagion raging among the swine in this county, akin at least to cholera, is reaching mammoth proportions and the hundreds of deaths it is causing among the pigs is causing a great sensation, and the owners feel that they are entitled to an official investigation."

The other letter is from J. W. Fredericks, veterinarian, who writes from the Agricultural college. The letter was called to Pleasant View a few days ago to investigate an outbreak of disease among hogs, and find that the hogs are affected with swine plague. The lesions show that the disease is well developed. I obtained some cultures and expect to isolate the germ. I investigated a number of outbreaks around Pleasant View and North Ogden and my opinion is that swine plague has been held in that locality. Is there anything the state board of health can do in this regard? I think quarantine measures should be adopted and all infected premises should be quarantined. From reports in that locality I learn that the disease is spreading rapidly. Mr. Barrett of View, in Weber county, had lost fifty-eight head and I performed a postmortem examination on one which I killed, and he still had others affected.

"Others had lost a number, but as far as I was able to learn none had lost that number."

WILL BE FAIR THURSDAY

High Pressure Responsible for Conditions—Extremely Cold in Central Northwest.

The predictions of the local weather bureau for today is that the high pressure over this section will cause fair weather. Yesterday there was a snow storm, with a maximum of 24 below. St. Paul showed a cold level of 22 below, with a below as the maximum. At Moorhead the lowest was 28 below and the highest 10 below. At Duluth it was 23 below at the coldest and 6 below at the highest. Huron reported a low of 28 below and a high of 14 below. According to reports, it was cold, extremely cold, in the central northwest district and parts of Canada. Winnipeg reported a low of 28 below and a high of 10 below. St. Paul showed a cold level of 22 below, with a below as the maximum. At Moorhead the lowest was 28 below and the highest 10 below. At Duluth it was 23 below at the coldest and 6 below at the highest. Huron reported a low of 28 below and a high of 14 below. According to reports, it was cold, extremely cold, in the central northwest district and parts of Canada. 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